

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:20-cv-00011-MR-WCM**

STEPHEN DOUGLAS PARKER,

Plaintiff,

vs.

**CASE FARMS, LLC and GUY
PERKINS,**

Defendants,

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ORDER

THIS MATTER is before the Court on the Defendants' Motion to Dismiss Count II (Fraud) of the Complaint [Doc. 13] and the Magistrate Judge's Memorandum and Recommendation [Doc. 27] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to consider the Defendants' motion and to submit a recommendation for its disposition.

On July 29, 2020, the Magistrate Judge filed a Memorandum and Recommendation in this case containing conclusions of law in support of a recommendation regarding the Defendants' motion. [Doc. 27]. The parties

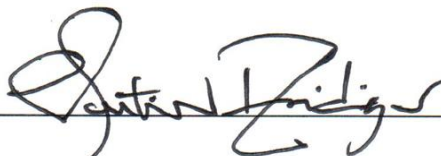
were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has now expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation that the Defendants' Motion to Dismiss should be granted as to Count Two of the Plaintiff's Complaint.

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 27] is **ACCEPTED**; the Defendants' Motion to Dismiss Count II (Fraud) of the Complaint [Doc. 13] is **GRANTED**; and Plaintiff's fraud claim is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

Signed: September 8, 2020



Martin Reidinger
Chief United States District Judge

